IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 468 OF 2003.

Yeshwant B.Gangurde & anr. ... Appellants.
Versus.
Sampat Ganu Pansare & ors. ... Respondents.

Shri G.S.Godbole for the Appellants.

Shri Kishore Patil i/by Shri P.N.Joshi for the Respondents Nos.1 to 5.

CORAM : ABHAY S.OKA, J.

DATED : 28th July, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties. The Second Appeal is admitted on the following substantial questions of law:

i) Whether the Courts below could have recorded a finding on the issue of title in favour of the original Plaintiff inasmuch as the certificate under section 24(1) of the Bombay Prevention of Fragmentation and consolidation of Holdings Act, 1947 was issued in the name of the 1st Defendant in respect of the suit land ?

ii) Whether the Courts below have not considered the legal effect of section 36A and 36B of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 ?

2. The Respondents Nos.1 to 5 waives service.

3. Printing is dispensed with. The Appellants are directed to file private paper book along with sufficient number of copies thereof within a period of one year from today. If the paper book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further reference to the Court.

Judge.